

Notice of Allowability

Application No.

10/615,481

Examiner

Nyeemah Grazier

Applicant(s)

MOINET ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/18/06.
2. ☒ The allowed claim(s) is/are 8, 12-14 (renumbered as 4, 1-3, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☒ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: France 01/00396, France PCT/FR00/02095.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7/24/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION
NOTICE OF ALLOWANCE

I. ACTION SUMMARY

The Amendments to the Claims and Remarks submitted to the Office on June 22, 2006 has been fully considered and will be the basis of the following Notice of Allowance.

Claims 8, 12-14 are currently pending and are allowable. Claims 1-7, 9, 10 and 11 are cancelled.

II. RESPONSE TO AMENDMENTS

A. Restriction/Election

Applicant elected Group I, claims 1-8 without traverse in the Response to the Restriction Letter filed on August 18, 2005. The requirement is still deemed proper and is therefore made FINAL.

B. 35 U.S.C. 112, 2nd Rejection

Applicant's arguments, see Remarks, filed April 18, 2006, with respect to the 112, 2nd Rejection have been fully considered and are persuasive in light of the Amendment to the Claims submitted by facsimile on June 22, 2006. Thus, the 112, 2nd rejection of claims 12 has been obviated.

C. Objection to the Specification

Applicant's arguments, see Remarks, filed April 18, 2006, with respect to "R" groups having nitrogen atoms. In light of the amended Specification, dated April 18, 2006, the objection has been obviated.

D. *Objections*

The objection to claim 9 has been obviated because claim 9 has been canceled.

Objections to claims 8, 13 and 14 have been obviated because the claims no longer depend from a rejected based claim.

III. EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles Muserlian, Esquire on June 23, 2006.

The application has been amended as follows:

1. Claim 8: **DELETE** "for an affinity for somatostatin receptors" and "an amount of" and "sufficient for said affinity" on page 2, lines 3-5.
2. Claim 12: **DELETE** "and its it being understood that the nitrogen atom in formula (I) could be NH₂ or a nitrile and that the nitrogen atom in the R₅ groups is NH and its pharmaceutically acceptable salt" on page 9, lines 3-5 after the last structure and **INSERT** --- or its stereoisomers or pharmaceutically acceptable salts thereof --- before the period at the end of the claim on p. 9, line 5.

IV. REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The instant invention is drawn to Nitrogen-linked alkyl amino thiazoline derivatives. The instant invention appears to be free of the art of record. The closest prior art reference of record is Lang et al. (US 4,421,757). Lang et al. teaches thiazoline derivatives. However, the instant invention is free of the art of record because the instant invention [Formula (i)] is has a substituent at the 3 position (the ring nitrogen) limited to alkyl; and the 4 position is aryl. In the instant invention the 3 position is substituted with pentyl amine and the 4 position is carbamyl substituted with a carbocyclic ring or aralkyl. Thus, the instant invention is not anticipated nor rendered obvious by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

IV. CONCLUSION

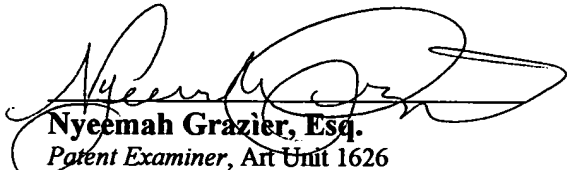
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nyeemah Grazier whose telephone number is (571) 272-8781. The examiner can normally be reached on Monday through Thursday and every other Friday from 8:30 a.m. - 6:00 p.m.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. M^sKane, can be reached on (571) 272 - 0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Very truly yours,


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